

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROBERT NELSON HOWELL,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 04-CV-724-DRH
vs.)	
)	CRIMINAL NO. 98-CR-30200
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

Before the Court is Petitioner's request for issuance of a certificate of appealability, which is included in the text of his notice of appeal (Doc. 8). Pursuant to 28 U.S.C. § 2253, a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." Further, Section 2253(c)(3) provides: "The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2)."

The Court finds that Petitioner has not made "a substantial showing of the denial of a constitutional right." Accordingly, the request for issuance of a certificate of appealability is **DENIED.**

IT IS SO ORDERED.

DATED: May 2, 2005

/s/ David RHerndon
DISTRICT JUDGE